IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6159 OF 2006

Bharatiben Bharatkumar Desai .. Petitioner.
Vs.
Dhirubhai Chhotubhai Desai & Ors. .. Respondents.

Mr.P.G.Bhatia for the petitioner.

CORAM : D.B.BHOSALE, J.

DATED : 20TH SEPTEMBER, 2006

P.C.:

. Heard learned counsel for the petitioner.

2. The petitioner has impugned the order dated 20.7.2006 passed by the court below on her application at Exhibit-113 filed under order 39 Rule 2(a) of the Code of Civil Procedure. According to the petitioner the respondent-defendant has committed breach of the injunction order passed on the application at Exhibit-5. The order passed on Exhibit-5 was challenged by way of Appeal From Order No.692 of 2005. This court disposed of the said appeal vide order dated 25th August, 2005. I perused the said order and in particular paragraph 4 thereof. It is clear that the order passed on the application at Exhibit-5 was modified by this court vide order dated 25.8.2005 and, therefore, it cannot be said that the breach of the

order passed on Exhibit-5 has been committed. In my opinion, the trial Court has rightly rejected the application (Exhibit-113) for the reasons recorded in the order. The impugned order is just and proper and warrants no interference by this court in its writ jurisdiction under Article 227 of the Constitution of India. The writ petition is, accordingly, dismissed. The hearing of suit is expedited.

(D.B.Bhosale, J.)